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MB Docket No. 03-258 MAR 26 2004

RM-10864


FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY


**RESPONSE OF TRACY BROADCASTING CORPORATION  
TO "REPLY" OF MICHAEL RADIO GROUP**

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2. In its Reply, MRG interposes no objection to TBC's counterproposal, but suggests some modifications to that counterproposal which would simplify this proceeding. TBC has reviewed MRG's suggestions and concurs that the goals of both MRG and TBC, and the consequent public interest benefits inherent in both sets of proposals, may be achieved as outlined in MRG's Reply. Accordingly, TBC would not object if, in the interest of the earliest possible achievement of those public interest benefits<sup>1</sup>, the Commission were to adopt the channel modifications as set forth in MRG's March 4, 2004 Reply. As expressly stated in TBC's Counterproposal, TBC will, to the extent mandated by applicable Commission rules and policies, reimburse the licensees of any affected stations for the changes required to be made to their facilities as a result of the adoption of TBC's Counterproposal, as modified herein.

Respectfully submitted,

  
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Audrey P. Rasmussen

  
/s/ Harry F. Cole  
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March 26, 2004

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<sup>1</sup> TBC's counterproposal was mutually exclusive with the MRG proposal as set out in the *NPRM*. The variation set out in MRG's Reply could be seen as breaking the "daisy chain" and eliminating, *post hoc*, that mutual exclusivity. TBC understands that, even if the "daisy chain" were to be broken by some agreed-upon allotment arrangement reached at this stage of the proceeding (*i.e.*, *after* the timely submission of TBC's counterproposal), that would not affect the "cut-off" status of TBC's counterproposal, since that counterproposal was unquestionably mutually exclusive with the proposed allotment set out in the *NPRM*. If TBC's understanding in this regard is incorrect, then TBC will *not* consent to MRG's suggested solution as set forth in its Reply, since TBC does not believe that the public interest would be served by any action which might delay or unnecessarily complicate the prompt approval of the reallotments sought by TBC.

**CERTIFICATE OF SERVICE**

I, Harry F. Cole, hereby certify that on this 26th day of March, 2004, I caused copies of the foregoing "Response of Tracy Broadcasting Corporation to 'Reply' of Michael Radio Group" to be placed in the U.S. Postal Service, first class postage prepaid, or hand delivered (as indicated below), addressed to the following persons:

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/s/ Harry F. Cole  
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